

MINUTES
Regular Meeting of the College Park City Council
Tuesday, June 14, 2011
8:00 p.m. – 9:30 p.m.

PRESENT: Mayor Fellows; Councilmembers Nagle, Wojahn, Stullich, Cook, Afzali and Mitchell.

ABSENT: Councilmembers Catlin and Perry.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Peggy Higgins, Director of Youth, Family and Senior Services; Steve Halpern, City Engineer; Elisa Vitale, Senior Planner.

Mayor Fellows opened the meeting at 8:00 p.m. Councilmember Afzali led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Mitchell and seconded by Councilmember Cook to adopt the minutes of the Regular Meeting of May 24, 2011, the Confidential Minutes of the May 3, 2011 Executive Session, and the section of minutes from the May 10, 2011 Regular Meeting on Ordinance 11-O-03. The motion carried 6 – 0 – 0.

Announcements: Councilmember Nagle said that on Saturday, June 18 there would be a Swing Dance sponsored by the Recreation Board at the American Legion Hall, and that the CBE would hold a rain barrel workshop at Davis Hall at 10:00 a.m. on the same day.

Councilmember Wojahn announced that the North College Park Citizens Association meeting had been rescheduled to June 16 at 7:30 p.m. at Davis Hall.

Councilmember Afzali announced that the West College Park Civic Association would meet on Sunday, June 26.

Councilmember Mitchell thanked City Engineer Steve Halpern for the traffic calming devices that were installed on St. Andrews Place.

Acknowledgement of Dignitaries: Mayor Fellows recognized former Mayor Joe Page, former Councilmember Don Byrd, Dr. Gaspar Colon, President of the Rotary Club of College Park, and Haitham Hijazi, Director of the County's Department of Public Works and Transportation.

Proclamations: Mayor Fellows read two proclamations: 1) Recognizing the 120th Anniversary of the First Baptist Church of College Park in Lakeland, and 2) Honoring Frank Brewer on his retirement from the University of Maryland after 40 years.

Amendments to the Agenda: Items 11-G-61, 11-G-63 and 11-G-64 were moved to the Consent Agenda. Councilmember Mitchell requested that item 11-G-62 be pulled from the agenda to return at a future meeting after she has received input from the residents. Councilmember Stulich requested that item 11-G-66 be pulled from the agenda until it can be discussed at a future Worksession.

City Manager's Report: Mr. Nagro reminded residents about the Council's summer meeting schedule, announced that the meeting on the Pattern Book would be held on Monday, June 20 at 7:00 p.m. in Council Chambers, announced that Council Member Eric Olson would hold a Town Hall meeting on June 20 from 6:30 – 9:30 p.m. at Parkdale High School, and commented on the absences of Councilmembers Perry and Catlin.

Student Liaison Comments: New Student Liaison Marcella Morris thanked Council for having the Student Liaison position, and said she would be able to attend all Council meetings this summer.

Comments from the Audience on Non-Agenda Items:

Kevin Young, President, Berwyn District Civic Association: Announced that the next meeting of the BDCA would be held on Thursday at 8:00 p.m. at Fealy Hall.

Presentations: Mayor Fellows introduced former Mayor Joe Page, who then introduced the President of the College Park Rotary, Dr. Gaspar Colon. Dr. Colon presented checks to Meals on Wheels of College Park (accepted by Don Byrd) and to the College Park Boys & Girls Club (accepted by Mary Litner).

Mayor Fellows then introduced the outstanding essayists in the Maryland Municipal League's "If I Were Mayor, I Would..." essay contest: Ryan Trivers, Hollywood Elementary; Zayd Hijazi, Al Huda School; Zakiyyah Ali, Al Huda School; Alyssa Heintzelman, Holy Redeemer; Elizabeth Metzler, Paint Branch Elementary; Joel Olujide, Berwyn Christian. Each student read their winning essays and had pictures taken with the Mayor.

Consent Agenda: A motion was made by Councilmember Wojahn and seconded by Councilmember Cook to adopt the Consent Agenda which consisted of the following items:

- 11-G-59 Award of Contract For Concrete and Asphalt Maintenance Extension For Fiscal Year 2012 To NZI Construction Corporation In An Amount Not To Exceed \$700,000.**
- 11-G-67 Approval Of A Letter To David A. Turner, Chairman, Prince George's County Historic Preservation Commission, With The City's Recommendations For A Nomination And Reappointments To The Old Town College Park Historic District Local Advisory Committee.**
- 11-G-61 Approval Of Parking Permit For Oversize Vehicle, 7410 Baylor Avenue.**

11-G-63 Approval Of Parking Permit For Oversize Vehicle, 8712 34th Avenue.

11-G-64 Approval Of Parking Permit For Cargo Trailer, 5910 Chestnut Hill Road.

The motion passed 6 – 0 – 0.

Action Items:

11-R-10 Resolution To Set The Date By Which Any Petitions Have To Be Filed With The City In Order To Be Considered For The November 8, 2011 Ballot As August 1, 2011.

A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to adopt resolution 11-R-10 which sets the date of August 1, 2011 as the date by which the City must receive any petition to amend the City Charter to be considered for placement on the ballot at the City general election on November 8, 2011.

Councilmember Afzali said amendments to the City Charter are a serious matter. Mayor and Council understand that there are two proposed Charter amendments now circulating in the City. Time is needed to validate the signatures, sort out the wording and address other legal issues. The Mayor and Council believe that a deadline of August 1 is reasonable for filing the petitions if the proponents seek to have the questions on the ballot for the general election in November. Any petitions filed after that time will be set down for a special election by Council.

There were no comments by the audience or by the Council.

The motion passed 6 – 0 – 0.

11-G-60 Adoption Of The FY 2012 Action Plan of the 2010 – 2015 City of College Park Strategic Plan

A motion was made by Councilmember Mitchell and seconded by Councilmember Nagle to adopt the FY 2012 Action Plan in accordance with the goals of the 2010 – 2015 Strategic Plan and to amend the 2010 – 2015 Strategic Plan to include the new objectives outlined in the FY 2012 Action Plan.

Councilmember Mitchell commented that Staff compiled the City Council generated ideas from the FY 2012 Action Plan Brainstorming Special Worksession on January 31, 2011 into a format similar to the FY 2011 Action Plan. At a Public Forum on March 8, 2011, staff presented the draft to the community and to City Council asking for input. Staff recorded the community input and reminded everyone that the city website contained a copy of the draft FY 2012 Action Plan. Throughout the month of March 2011, the City Clerk compiled written public comments submitted about the FY 2012 Action Plan. Council discussed the FY 2012 Action Plan once

more on May 3, 2011 and June 7, 2011 acting upon the community feedback received about the draft. Through discussion of the FY 2012 Action Plan, Council found it necessary to add three new objectives to the 2010 – 2015 Strategic Plan in order to meet the needs of the community in the FY 2012 Action Plan. These new objectives, which were not in the FY 2011 Action Plan, include Goal 1; Objective 5 to improve customer / constituent service to better serve College Park residents, Goal 2; Objective 4 to improve traffic, pedestrian, and bicycle safety, and Goal 5; Objective 7 to encourage revitalization of the Berwyn Commercial District. The purpose of our strategic planning is to identify where we would like to be in the future and how we plan to get there. Our annual action plan encourages us to examine our city government internally and to evaluate external factors in order to determine what we can accomplish in a year to reach our long term goals.

Dan Blasberg, 8800 Rhode Island Avenue: Appreciates that the development of the Berwyn Commercial District has been added, but notes that in the 2004 Economic Development Plan the Berwyn Business District had seven points, but until the amendment to the FY 12 Action Plan, it had zero. He encouraged everyone to go back and look at that 2004 Economic Plan and to set time frames for those items pertaining to Berwyn that were added in.

The motion passed 6 – 0 – 0.

11-G-69 Approval of Program Open Space FY 2012 Allocation of \$174,774 to Duvall Field development

A motion was made by Councilmember Nagle and seconded by Councilmember Cook that the City designate its entire FY 2012 Program Open Space allocation of \$174,774 to the renovation of Duvall Field.

Councilmember Nagle stated that the City has been advised that its Program Open Space allocation for FY 12 will be \$174,774 and 100% may be used for development projects. Applications must be submitted to M-NCPPC by June 17, 2011. Plan specifications and cost estimates for Duvall Field were completed in 2010 and almost \$1M of Open Space funds have been encumbered for construction. The first phase of construction would be for the concession stand building and related site improvements.

Larry Bleau, 4901 Niagara Road: Disappointed that the entire allocation is going to Duvall Field; he would prefer to see a small amount go to design of the Hollywood Gateway Park.

Bob Seward, 9808 47th Place: Duvall Field has many more opportunities for funding than Hollywood Gateway Park, so he would like to leave funding in for the Hollywood Gateway Park, and explore other possibilities for funding for Duvall Field. He would like to see the house demolished sooner rather than later.

A motion to amend the proposal was made by Councilmember Wojahn and seconded by Councilmember Afzali to divide the allocation of Program Open Space funds as was

recommended by staff last week: \$86,475 to Hollywood Gateway Park, and \$88,299 to Duvall Field.

Councilmember Wojahn said this proposed amendment does not mean he is not in favor of the renovation of Duvall Field, but much more has to be resolved before we can move forward on that project, such as securing developer funds. The Hollywood Gateway Park project is currently ongoing and there is a much better chance to complete it sooner, so we need to put adequate funds to the project.

On the amendment:

Larry Bleau, 4901 Niagara Road: He is in favor of the amendment.

Bob Seward, 9808 47th Place: He is in support of the amendment and suggested various grant funding sources that could be used for Duvall Field.

The amendment was approved by a vote of 4 – 2 – 0 (Nagle and Cook opposed).

The main motion, as amended, was approved by a vote of 4 – 2 – 0 (Nagle and Cook opposed).

11-G-65 Approval of a Legislative Action Request For a Property Assessed Clean Energy (PACE) loan program to the Maryland Municipal League for the 2012 Legislative Session and Authorize Staff to Submit the LAR Form to MML

A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to authorize the City Manager to complete and sign the 2012 Maryland Municipal League Legislative Action Request (LAR) form with the request to grant municipalities the ability to authorize a tax lien in the Property Assessed Clean Energy loan program.

Councilmember Wojahn commented that this is part of the Maryland Municipal League's process of setting its annual legislative agenda. Municipalities may submit up to three legislative requests for consideration as MML initiatives before the Maryland General Assembly. This is part of a long effort by the City to establish a PACE loan program, which allows residents to borrow money to make improvements in their home that increase energy efficiency, but which has run into legal obstacles. In 2009 the General Assembly passed HB 1567 to establish Clean Energy Loan Programs, and Attorney General Douglas Gansler wrote a letter to Governor O'Malley to approve the constitutionality and legal sufficiency of the program. However, the current version of State law does not authorize a tax lien, which minimizes the effect of the program. The question that still remains is whether or not a municipality has the authority to establish a local law to authorize a tax lien for an assessment of this purpose. In 2010 Delegate Hecht introduced a bill that attempted to accomplish this, but it did not pass. In this request, the City is asking MML to speak on behalf of municipalities to request that the General Assembly

reconsider this legislation which would allow Marylanders to participate in more energy efficient practices, starting with their home appliances.

There were no comments from the audience or from the Council.

The motion passed 5 – 1 – 0 (Cook opposed).

11-G-70 Approval Of Participation In The Prince George's County Community Development Block Grant Entitlement Program For Federal Fiscal Years 2012 – 2014.

A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali that the City Council approve participation in the Prince George's County Community Development Block Grant (CDBG) Entitlement Program for the period July 1, 2012 through June 30, 2014, and authorize the City Manager to execute a Cooperation Agreement with Prince George's County.

Councilmember Mitchell stated that Past participation with the County's program has been successful in obtaining funding for eligible CDBG activities that will primarily benefit the City's low and moderate income population or neighborhoods. If the City were to opt-out of the County CDBG program, it would have the option of applying for CDBG funding through the competitive State Small Cities Program. Previous projects receiving CDBG funding include streetscape improvements, modifications to the Parish House to meet Americans with Disabilities Act requirements, and installation of pedestrian street lights downtown.

There were no comments from the audience or from the Council.

The motion passed 6 – 0 – 0.

11-G-68 Appointments To Boards And Committees

A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to appoint Bradley Farrar as a landlord representative to the Rent Stabilization Board, reappoint Forrest Tyler to the Ethics Commission, and appoint Jane Hopkins to the Cable Television Commission. The motion passed 6 – 0 – 0.

Council Comments:

Councilmember Mitchell congratulated the City on receiving the MML's Banner City status.

Councilmember Afzali thanked Dr. Loh for ending the University's opposition to the Campus Drive alignment of the Purple Line.

Councilmember Wojahn discussed his experience attending the Citizen's Police Academy.

Councilmember Nagle requested a future Worksession on litter on telephone poles and wants to adopt a local program for removal by October 1 when Delegate Pena-Melnyk's bill becomes effective.

Comments from the Audience:

Jack Robson: Complained that the Board of Election Supervisors was not consulted in any way about 11-R-10 before it was adopted and believes it was discussed in secret session. He cannot understand why it had to be discussed outside of public view.

Dan Blasberg: Encouraged everyone to attend the District 1 COPS Coffee Club held twice a month.

Adjournment: A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to adjourn into an Executive Session to consult with counsel on a legal matter and to consult with staff, consultants or other individuals about pending or potential litigation. The motion passed 6 – 0 – 0, and the regular meeting adjourned at 9:30 p.m. Mayor Fellows announced that the Council would not return in regular session tonight.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 9:30 p.m. on June 14, 2011 in the Council Chambers at City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to enter into an Executive Session for the following reasons:

G: To Consult With Counsel On A Legal Matter

H: To Consult With Staff, Consultants, Or Other Individuals About Pending Or Potential Litigation.

The motion passed 6 – 0 – 0 (Catlin and Perry absent) and the Executive Session convened at 9:40 p.m.

Present: Mayor Fellows, Councilmembers Nagle, Wojahn Stullich, Afzali and Mitchell.

Absent: Councilmembers Catlin, Perry and Cook (Councilmember Cook was present for the vote but left prior to the Executive Session).

Also Present: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant To The City Manager; Bob Ryan, Director of Public Services.

Topics Discussed: 1) Discussion of pending litigation with respect to Rent Stabilization, and 2) Discussion about potential legal effects of a request concerning a zoning issue.

Actions Taken: None

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Nagle to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 10:22 p.m. with a vote of 5 – 0 – 0.